REMARKS

This Amendment is being submitted in response to the Official Action dated 31 May 2007, the deadline for response being herewith extended by 2 months to 31 October 2007. Claims 1-11 remain pending in this application. Claims 1 and 6 and the specification are herein amended to address the concerns of the Examiner and to be more internally consistent. Reconsideration and allowance of claims 1-11 is respectfully requested.

The Examiner rejected claims 1 through 11 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,946,666 to Nevo, et al. ("Nevo"). The Examiner points variously to different aspects of the Nevo specification as disclosing all of the salient points of the present invention. While some of the Nevo disclosure is similar to certain elements of the present invention, nothing in Nevo discloses or suggests calculation of user selected security data as an indexed value relative to a single pivot security (different from the security being monitored) so as to allow the user to evaluate the selected securities based on their own personalized opportunity costs. Thus, the present invention gauges the monitored security performance based on "opportunity cost" relative to some other security of the user's choosing, preferably that which presents the user with the greatest alternative financial opportunity. This is at the heart of the present invention and its absence from Nevo, despite the Examiner's arguments to the contrary, precludes rejection of the pending claims under 35 U.S.C. 102(b).

The Examiner's begins the analysis by pointing out that Nevo, as with many financial analysis tools, contemplates the use of a client/server architecture as is commonly employed on the World Wide Web. It is acknowledged that this aspect of the current claims is present in the Nevo disclosure along with the storage medium for storing measured market data values. It is

further observed that Nevo describes a network enabled computer system that is presumably available to subscribers on an individual basis (although such is not described in Nevo) along with a comparator and a transformer. Nevo, however does not disclose an indexer and the operation of the comparator and transformer (in Nevo) and the comparator and indexer (in the present invention) are entirely different and bear no resemblance to one another in operation.

Nevo utilizes a color coded scale of "0 "(no deviation – displayed as the background color) through "5" (maximum deviation – displayed as red) to depict a security's deviation from a baseline based on a particular "security index value" or financial parameter (as Nevo variously refers to them). See Nevo Col. 7, lns. 60-67. The security index values may be dividend values, yield, price to earnings ratio (P/E), sales volume index, Hi-Lo values for the highest and lowest stock prices traded that day, dividend index, sales volume. These index values are used to generate a "deviation indicator." Please note that these index values (see Nevo Col. 8, lns. 2-13) are derived *from the same security being monitored,* and not with respect to a different "pivot security" as in the present invention, let alone an "opportunity cost" security of the user's choosing. Thus, Nevo cannot monitor a security based on "opportunity cost" relative to some other security of the user's choosing which represents the greatest alternative financial opportunity.

Nevo also requires the user to set a maximum and minimum value of the parameter to be analyzed. These three input values, the baseline, maximum and minimum, are then used in conjunction with Nevo's transformer to calculate a deviation from the baseline based on a sigmoid function. Col. 8, line 27-39. Multiple financial parameters may be analyzed for each security in this manner but, importantly, the parameters for each security are measured against a

baseline that represents past performance for that specific security only, as set by the user. Nothing in Nevo suggests using a single pivot security against which to measure the financial parameters (to use the lexicon of Nevo) for multiple securities so as to be able to compare said multiple securities on an indexed basis.

Nevo, thus allows an analyst to calculate the deviation of selected parameters of a security with respect to *that same security's prior baseline*, which gives an indication the stability of those parameters for that security. Col. 10, ln. 50. Nevo notes that these values can be compared with similar calculations for other securities, but this only gives an eyeball glimpse at relative fluctuations and does not index two different securities for direct comparison as they are with the present invention.

Under the present invention, the user selects the securities he desires to analyze and the parameters on which he wishes to base that analysis. He also then selects a different "opportunity cost" security he wants to deem as the baseline against which the others are to be indexed. The parameter values for the pivot security are then adopted as the baseline against which the performance of all other securities are measured. The indexer performs the indexing by computing the ratio of the parameter value for each selected security to the value for the same parameter of the pivot security and displaying the result. The resulting ratio is unit-less and can thus be compared directly.

The foregoing is specifically recited in clam 1 (as amended) in terms of first allowing the "subscriber to designate one of said securities from said subset to be a pivot security", and then calculating "the index number of..user-selectable security factors relative to a single pivot security", and displaying "said user-selectable security factors...including the absolute value of

said security factors and/or the index number of said security factors." This is the essence of the present invention and it is not taught or suggested by Nevo, and so the latter is patentably distinguished on this basis.

The Examiner further argues that Nevo discloses a data display of columns of user selected statistics for an unlimited number of user selected securities arranged in rows (a table) as disclosed by the present invention. The display in Nevo is entirely different. First, the deviations from baseline computed for each security under Nevo are not reported to the user. Rather, deviation ranges are assigned into one of the aforementioned color coded ranges in order to give the user a status indicator for that financial parameter for that security. (Col. 10 lines 40-67, Col 11, lns. 1-4). Further, the Nevo display is limited to simultaneous display of only three securities in lower window 88, Nevo col. 13, lns. 47-48, and those securities are displayed in graph form rather than a table. See Nevo Fig. 5. The Nevo display uses the color coding system previously described to indicate instantaneous changes in that security's Stock Performance Index which is determined through the previously described sigmoid transformation based on the baseline, minimum, and maximum values for the various parameters selected by the user for that specific security only. Nevo col. 13, lns. 50-58. No table of indexed values is presented to the user employing the Nevo invention as is done for users of the present disclosure. Nevo fails to even present the user with the actual values arrived at through the sigmoid transformation but rather uses a color coding system. This is far afield from displaying "user-selectable security factors arranged in a table of rows of user-selectable securities and columns of said factors derived from said user-selectable security data, *said display selectively including the absolute value of said security factors and/or the index number of said security factors*." Consequently,

claim 1 is further distinguished on this basis as well.

In sum, Nevo does allow a user to compare selected performance statistics related to selected securities and many, if not all of these statistics are the same as those analyzed by the present invention, and, indeed, by securities analysts generally. Nevo, however, does so using a sigmoid transformation and based on user inputted values for that same particular security to be analyzed only, and not for a different, pivot stock against which to compare all others. Nevo also displays information graphically and through color coding and not in a table as the present invention. As such, the present invention is patently distinguishable from Nevo.

The Examiner rejects claim 6 under 35 U.S.C. 102(b) in light of Nevo in a manner similar to that for claim 1. Claim 6 is a method claim incorporating the same fundamental limitations as described above. For the same reasons recited above with respect to claim 1, claim 6 is patently distinguished from Nevo. Specifically, the method of analyzing and indexing the various user selected security statistics is entirely different from Nevo in that it employs a single pivot security as the basis for indexing of all other selected securities in order to compare user opportunity costs. Nevo determines a security's deviation from a baseline determined by the user from the past performance of that individual stock, not a pivot security. The method of displaying information to the user is also entirely different from Nevo and is a comparative table rather and graphs and color coded indicators as in the latter.

The Examiner also rejects claims 2-5 and 7-11 as obvious over Nevo and in light of Reddy (U.S. Patent 6,564,191). Claims 2-5 and 7-11 are dependent on claims 1 and 6 or the intervening dependent claims. However, Reddy fails to teach or suggest the above-described elements missing in Nevo, and should, thus, likewise, be allowable.

Moreover, claims 2, 3, 7, 8 and 11 are distinguished on their own merits. The Examiner observes that Nevo fails to disclose the comparator and indexer as a Java applet. The Examiner asserts that Reddy discloses a Java applet for this purpose at column 11 lines 17-24 and Figure 10. The Examiner is mistaken. Reddy discloses a system architecture consisting of browsers, load balancers, application servers and web servers. The Examiner asserts that "a Java applet is simply defined as a web browser." Such is not the case. A web browser is an application executed by a personal computer system to enable a user to locate and view information on the World Wide Web via the Internet. Java is an operating system developed by Sun Microsystems. Applets are programs written in the Java programming language. Web browsers are not written in Java. Rather, Applets, which are generally small programs, are embedded in World Wide Web pages and downloaded to a browser to add functionality to a web page not ordinarily available through HTML coding. Notably, not all browsers support Java applets without the addition of plug ins such as Java Virtual Machine. Applets can also be run outside a browser in programs such as Sun's AppletViewer. Nowhere does Reddy mention Java or suggest Java applets as the means to implement the disclosure in a web browser.

With respect to claims 5 and 10, the Examiner observes that Nevo fails to disclose allowing users to compare the designated securities based on opportunity costs. The Examiner points to Table 10 of Reddy (Column 10) for this element asserting that Table 10 discloses allowing a user to strategize how varying designated securities would effect investment goals. The Examiner is mistaken as to the operation of Table 10. Table ten depicts calculations used to employ the value averaging approach to investing in a particular security. Under the value averaging approach, the investor holds constant the desired ending value of the security

investment for each period and allows the amount invested to vary based on the share price (as opposed to holding the amount invested per period constant and allowing the total value to vary as with the dollar cost averaging approach). These are but two of many investment approaches that, however, have no relation to opportunity cost. Opportunity cost is the cost of one thing (in this case, the purchase of a particular security) in terms of an opportunity forgone (the benefit which could be received from the purchase of the pivot security). Table 10 and the value averaging investment approach do not address allowing a user to analyze securities based on opportunity cost.

In view of the above amendments and remarks, it is believed that this application is now in the proper condition, and a Notice of Allowance is respectfully requested.

Respectfully submitted,

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